

AMENDED IN SENATE APRIL 29, 2014

AMENDED IN ASSEMBLY APRIL 29, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 388

Introduced by Assembly Member Chesbro

February 15, 2013

~~An act to amend Section 78211.5 of the Education Code, relating to community colleges. An act to amend Sections 1534 and 1536 of, and to add Section 1538.7 to, the Health and Safety Code, and to amend Sections 241.1, 628, 628.1, 635, 636, 730.6, 4096.5, and 11469 of the Welfare and Institutions Code, relating to juveniles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 388, as amended, Chesbro. ~~Community colleges: Seymour-Campbell Student Success Act of 2012. Juveniles.~~

(1) The California Community Care Facilities Act provides for the licensure and regulation of community care facilities, including foster family homes and group homes, by the State Department of Social Services. Existing law requires the department to conduct an annual unannounced visit of a facility under certain circumstances, including when an accusation against a licensee is pending. Existing law also requires reports on the results of each inspection, evaluation, or consultation to be kept on file in the department and to be open to public inspection.

This bill would include when a group home or other facility licensed to provide residential care to minors has a specified occurrence of incidents in which law enforcement is called regarding allegedly

unlawful conduct by a minor residing in the facility as a circumstance that requires the department to conduct an annual unannounced visit of a facility. The bill would require the division of the department with the reports on the results of an inspection prompted by that circumstance to provide the reports to the division of the department responsible for determining and auditing group home rate classification levels and to any other public agency that has certified the facility's program or any component of the facility's program.

Existing law requires the department director, at least annually, to publish and make available to interested persons a list covering all licensed community care facilities, except as specified, and the services for which each facility has been licensed or issued a special permit.

This bill would require that the list for each licensed community care facility that provides residential care for minors include specified information, including the number of licensing complaints and the number of law enforcement contacts made by the facility staff or residents.

(2) Existing law requires the county probation department and the child welfare services department to, pursuant to a jointly developed written protocol, initially determine which status will serve the best interest of a minor and the protection of society when the minor appears to come within the description of a dependent of the court and a ward of the court pursuant to specified provisions. Existing law requires the juvenile court to determine which status is appropriate for the minor after the recommendations of both departments are presented to the court.

This bill would require, whenever a minor who is a dependent of the court appears to come within the description of a ward of the court, prior to the initial status determination by the court, if the minor is in temporary custody of probation or detained in juvenile hall, the county probation department to release the minor to the minor's current foster parent, relative, guardian, group home representative, other caregiver, or social worker. The bill would also require, if the alleged conduct that appears to bring the dependent minor within the description of a ward of the court occurs in, or under the supervision of, a foster home, group home, or other licensed facility that provides residential care for minors, the county probation department and the child welfare services department to consider, in making their determination and recommendation to the court, whether the alleged conduct was within the scope of behaviors to be managed or treated by the facility, as

specified. The bill would also require the consideration of whether the alleged conduct was within the scope of behaviors to be managed or treated by the facility, among other things, to be included in the protocols developed by the county probation department and the child welfare services department. By imposing additional duties on local officials, the bill would create a state-mandated local program.

(3) Existing law requires the court to determine whether a minor in custody pursuant to specified provisions shall be released from, or detained in, custody, considering, among other things, whether it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that he or she be detained and whether continuance in the home is contrary to the minor's welfare.

This bill would require that the court's decision to detain, if a minor is a dependent of the court, not be based on the minor's status as a dependent of the court or the child welfare services department's inability to provide a placement for the minor. The bill would require, in certain circumstances, the court to order the child welfare services department to place the minor in another licensed or approved placement. By imposing additional duties on local officials, the bill would create a state-mandated local program.

(4) Existing law requires the department, in consultation with specified entities to develop performance standards and outcome measures for determining the effectiveness of the care and supervision provided by group homes under the Aid to Families with Dependent Children-Foster Care program.

This bill would require, by January 1, 2016, the department, in consultation with specified entities and persons, to develop additional performance standards and outcome measures that require group homes to implement programs and services to minimize law enforcement contacts and delinquency petition filings arising in group homes, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state.~~

~~Existing law, known as the Seymour-Campbell Student Success Act of 2012, was enacted for the purpose of increasing California community college access and success by providing effective core matriculation services of orientation, assessment and placement, counseling, and other education planning services, and academic interventions. Existing law provides that the focus of the act is on the entering students' transition into college in order to provide a foundation for student achievement and successful completion of students' educational goals, with a priority toward serving students who enroll to earn degrees, career technical certificates, transfer preparation, or career advancement.~~

~~This bill would specify that nothing in the Seymour-Campbell Student Success Act of 2012, is intended to preclude colleges from providing courses and programs including, but not limited to, professional development, development of language skills, and job services for individuals with developmental disabilities, to the extent resources are available for those purposes.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. It is the intent of the Legislature to reduce the*
- 2 *frequency of law enforcement involvement and delinquency*
- 3 *petitions arising from incidents at group homes and other facilities*
- 4 *licensed to provide residential care to dependent children.*
- 5 *SEC. 2. Section 1534 of the Health and Safety Code is amended*
- 6 *to read:*
- 7 1534. (a) (1) Every licensed community care facility shall be
- 8 subject to unannounced visits by the department. The department
- 9 shall visit these facilities as often as necessary to ensure the quality
- 10 of care provided.
- 11 (A) The department shall conduct an annual unannounced visit
- 12 to a facility under any of the following circumstances:
- 13 (i) When a license is on probation.
- 14 (ii) When the terms of agreement in a facility compliance plan
- 15 require an annual evaluation.

1 (iii) When an accusation against a licensee is pending.

2 (iv) When a facility requires an annual visit as a condition of
3 receiving federal financial participation.

4 (v) In order to verify that a person who has been ordered out of
5 a facility by the department is no longer at the facility.

6 (vi) *When a group home, as defined in Section 1502, or other*
7 *facility licensed to provide residential care to minors has a*
8 *quarterly average of higher than one incident per month, for every*
9 *12 minors residing in the facility, in which law enforcement is*
10 *called regarding allegedly unlawful conduct by a minor residing*
11 *in the facility.*

12 (B) (i) The department shall conduct annual unannounced visits
13 to no less than 20 percent of facilities not subject to an evaluation
14 under subparagraph (A). These unannounced visits shall be
15 conducted based on a random sampling methodology developed
16 by the department.

17 (ii) If the total citations issued by the department exceed the
18 previous year's total by 10 percent, the following year the
19 department shall increase the random sample by an additional 10
20 percent of the facilities not subject to an evaluation under
21 subparagraph (A). The department may request additional resources
22 to increase the random sample by 10 percent.

23 (C) Under no circumstance shall the department visit a
24 community care facility less often than once every five years.

25 (D) In order to facilitate direct contact with group home clients,
26 the department may interview children who are clients of group
27 homes at any public agency or private agency at which the client
28 may be found, including, but not limited to, a juvenile hall,
29 recreation or vocational program, or a nonpublic school. The
30 department shall respect the rights of the child while conducting
31 the interview, including informing the child that he or she has the
32 right not to be interviewed and the right to have another adult
33 present during the interview.

34 (2) The department shall notify the community care facility in
35 writing of all deficiencies in its compliance with the provisions of
36 this chapter and the rules and regulations adopted pursuant to this
37 chapter, and shall set a reasonable length of time for compliance
38 by the facility.

39 (3) (A) Reports on the results of each inspection, evaluation,
40 or consultation shall be kept on file in the department, and all

1 inspection reports, consultation reports, lists of deficiencies, and
2 plans of correction shall be open to public inspection.

3 *(B) If an inspection is required pursuant to clause (vi) of*
4 *subparagraph (A) of paragraph (1), the division of the department*
5 *with the reports on the results of each inspection shall provide the*
6 *reports to the division of the department responsible for*
7 *determining and auditing group home rate classification levels*
8 *and to any other public agency that has certified the facility's*
9 *program or any component of the facility's program, including,*
10 *but not limited to, the State Department of Health Care Services,*
11 *which certifies group homes pursuant to Section 4096.5 of the*
12 *Welfare & Institutions Code.*

13 (b) (1) ~~Nothing in this~~ This section shall *not* limit the authority
14 of the department to inspect or evaluate a licensed foster family
15 agency, a certified family home, or any aspect of a program where
16 a licensed community care facility is certifying compliance with
17 licensing requirements.

18 (2) Upon a finding of noncompliance by the department, the
19 department may require a foster family agency to deny or revoke
20 the certificate of approval of a certified family home, or take other
21 action the department may deem necessary for the protection of a
22 child placed with the family home. The family home shall be
23 afforded the due process provided pursuant to this chapter.

24 (3) If the department requires a foster family agency to deny or
25 revoke the certificate of approval, the department shall serve an
26 order of denial or revocation upon the certified or prospective
27 foster parent and foster family agency that shall notify the certified
28 or prospective foster parent of the basis of the department's action
29 and of the certified or prospective foster parent's right to a hearing.

30 (4) Within 15 days after the department serves an order of denial
31 or revocation, the certified or prospective foster parent may file a
32 written appeal of the department's decision with the department.
33 The department's action shall be final if the certified or prospective
34 foster parent does not file a written appeal within 15 days after the
35 department serves the denial or revocation order.

36 (5) The department's order of the denial or revocation of the
37 certificate of approval shall remain in effect until the hearing is
38 completed and the director has made a final determination on the
39 merits.

(6) A certified or prospective foster parent who files a written appeal of the department's order with the department pursuant to this section shall, as part of the written request, provide his or her current mailing address. The certified or prospective foster parent shall subsequently notify the department in writing of any change in mailing address, until the hearing process has been completed or terminated.

(7) Hearings held pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. In all proceedings conducted in accordance with this ~~section~~ section, the standard of proof shall be by a preponderance of the evidence.

(8) The department may institute or continue a disciplinary proceeding against a certified or prospective foster parent upon any ground provided by this section, enter an order denying or revoking the certificate of approval, or otherwise take disciplinary action against the certified or prospective foster parent, notwithstanding any resignation, withdrawal of application, surrender of the certificate of approval, or denial or revocation of the certificate of approval by the foster family agency.

(9) A foster family agency's failure to comply with the department's order to deny or revoke the certificate of employment by placing or retaining children in care shall be grounds for disciplining the licensee pursuant to Section 1550.

SEC. 3. Section 1536 of the Health and Safety Code is amended to read:

1536. (a) (1) At least annually, the director shall publish and make available to interested persons a list or lists covering all licensed community care facilities, other than foster family homes and certified family homes of foster family agencies providing 24-hour care for six or fewer foster children, and the services for which each facility has been licensed or issued a special permit.

(2) *For a licensed community care facility described in paragraph (1) that provides residential care for minors, the list shall include both of the following:*

(A) *The number of licensing complaints, types of complaint, and outcomes of complaints, including citations, fines, exclusion orders, license suspensions, revocations, and surrenders.*

(B) *The number of law enforcement contacts made by the facility staff or residents, the type of incident, whether staff, residents, or*

1 *both were involved, the gender, race, ethnicity, and age of residents*
2 *involved, and the outcomes, including arrests, removals of residents*
3 *from placement, and termination or suspension of staff.*

4 (b) Subject to subdivision (c), to encourage the recruitment of
5 foster family homes and certified family homes of foster family
6 agencies, protect their personal privacy, and to preserve the security
7 and confidentiality of the placements in the homes, the names,
8 addresses, and other identifying information of facilities licensed
9 as foster family homes and certified family homes of foster family
10 agencies providing 24-hour care for six or fewer children shall be
11 considered personal information for purposes of the Information
12 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
13 of Title 1.8 of Part 4 of Division 3 of the Civil Code). This
14 information shall not be disclosed by any state or local agency
15 pursuant to the California Public Records Act (Chapter 3.5
16 (commencing with Section 6250) of Division 7 of Title 1 of the
17 Government Code) except as necessary for administering the
18 licensing program, facilitating the placement of children in these
19 facilities, and providing names and addresses only to bona fide
20 professional foster parent organizations upon request.

21 (c) Notwithstanding subdivision (b), the department, a county,
22 or a foster family agency may request information from, or divulge
23 information to, the department, a county, or a foster family agency,
24 regarding a prospective certified parent, foster parent, or relative
25 caregiver for the purpose of, and as necessary to, conduct a
26 reference check to determine whether it is safe and appropriate to
27 license, certify, or approve an applicant to be a certified parent,
28 foster parent, or relative caregiver.

29 (d) The department may issue a citation and, after the issuance
30 of that citation, may assess a civil penalty of fifty dollars (\$50) per
31 day for each instance of a foster family agency's failure to provide
32 the department with the information required by subdivision (h)
33 of Section 88061 of Title 22 of the California Code of Regulations.

34 (e) The Legislature encourages the department, when funds are
35 available for this purpose, to develop a database that would include
36 all of the following information:

37 (1) Monthly reports by a foster family agency regarding family
38 homes.

39 (2) A log of family homes certified and decertified, provided
40 by a foster family agency to the department.

1 (3) Notification by a foster family agency to the department
2 informing the department of a foster family agency's determination
3 to decertify a certified family home due to any of the following
4 actions by the certified family parent:

5 (A) Violating licensing rules and regulations.

6 (B) Aiding, abetting, or permitting the violation of licensing
7 rules and regulations.

8 (C) Conducting oneself in a way that is inimical to the health,
9 morals, welfare, or safety of a child placed in that certified family
10 home.

11 (D) Being convicted of a crime while a certified family parent.

12 (E) Knowingly allowing any child to have illegal drugs or
13 alcohol.

14 (F) Committing an act of child abuse or neglect or an act of
15 violence against another person.

16 *SEC. 4. Section 1538.7 is added to the Health and Safety Code,*
17 *to read:*

18 *1538.7. A group home or other facility licensed to provide*
19 *residential care to minors shall report to the department's*
20 *Community Care Licensing Division upon the occurrence of any*
21 *incident concerning a resident of the facility involving contact with*
22 *law enforcement. At least quarterly, the facility shall provide a*
23 *follow-up report for each incident involving law enforcement,*
24 *including the type of incident, whether staff, residents, or both*
25 *were involved, the gender, race, ethnicity, and age of residents*
26 *involved, and the outcomes, including arrests, removals of residents*
27 *from placement, and termination or suspension of staff.*

28 *SEC. 5. Section 241.1 of the Welfare and Institutions Code is*
29 *amended to read:*

30 241.1. (a) (1) Whenever a minor appears to come within the
31 description of both Section 300 and Section 601 or 602, the county
32 probation department and the child welfare services department
33 shall, pursuant to a jointly developed written protocol described
34 in subdivision (b), initially determine which status will serve the
35 best interests of the minor and the protection of society. The
36 recommendations of both departments shall be presented to the
37 juvenile court with the petition that is filed on behalf of the minor,
38 and the court shall determine which status is appropriate for the
39 minor. Any other juvenile court having jurisdiction over the minor
40 shall receive notice from the court, within five calendar days, of

1 the presentation of the recommendations of the departments. The
2 notice shall include the name of the judge to whom, or the
3 courtroom to which, the recommendations were presented.

4 *(2) Whenever a minor who is a dependent of the court pursuant*
5 *to Section 300 appears to come within the description of Section*
6 *601 or 602, prior to the initial status determination by the court*
7 *required in paragraph (1), both of the following shall occur:*

8 *(A) If the minor is in the temporary custody of probation or*
9 *detained in juvenile hall, the county probation department shall*
10 *release the minor to the minor's current foster parent, relative,*
11 *guardian, group home representative, other caregiver, or social*
12 *worker pursuant to Section 628 or 628.1.*

13 *(B) If the alleged conduct that appears to bring the dependent*
14 *minor within the description of Section 601 or 602 occurs in, or*
15 *under the supervision of, a foster home, group home, or other*
16 *licensed facility that provides residential care for minors, the*
17 *county probation department and the child welfare services*
18 *department shall consider whether the alleged conduct was within*
19 *the scope of behaviors to be managed or treated by the foster home*
20 *or facility, as identified in the minor's case plan, needs and services*
21 *plan, placement agreement, facility plan of operation, or facility*
22 *emergency intervention plan, in determining which status will*
23 *serve the best interests of the minor and the protection of society*
24 *pursuant to paragraph (1).*

25 (b) (1) The probation department and the child welfare services
26 department in each county shall jointly develop a written protocol
27 to ensure appropriate local coordination in the assessment of a
28 minor described in subdivision (a), and the development of
29 recommendations by these departments for consideration by the
30 juvenile court.

31 (2) These protocols shall require, but not be limited to,
32 consideration of the nature of the referral, the age of the minor,
33 the prior record of the minor's parents for child abuse, the prior
34 record of the minor for out-of-control or delinquent behavior, the
35 parents' cooperation with the minor's school, the minor's
36 functioning at school, the nature of the minor's home environment,
37 and the records of other agencies that have been involved with the
38 minor and his or her family. The protocols also shall contain
39 provisions for resolution of disagreements between the probation
40 and child welfare services departments regarding the need for

1 dependency or ward status and provisions for determining the
2 circumstances under which filing a new petition is required to
3 change the minor's status.

4 *(3) For a minor who is a dependent of the court pursuant to*
5 *Section 300 and then appears to come within the description of*
6 *Section 601 or 602, the protocols shall require, but not be limited*
7 *to, immediate notification of the child welfare services department*
8 *and the minor's dependency attorney upon referral to probation,*
9 *procedures for release to, and placement by, the child welfare*
10 *services department pending resolution of the determination*
11 *pursuant to this section, timelines for dependents in secure custody*
12 *to ensure speedy resolution of the determination pursuant to this*
13 *section for detained dependents, consideration of whether the*
14 *alleged conduct occurred in, or under the supervision of, a foster*
15 *home, group home, or other licensed residential facilities serving*
16 *minors, and if so, whether the alleged conduct is within the scope*
17 *of behaviors identified in the minor's case plan, needs and services*
18 *plan, placement agreement, or the facility's plan of operation, or*
19 *the facility's emergency intervention plan as behavior to be*
20 *managed or treated by the home or facility, and nondiscrimination*
21 *provisions to ensure that dependents are provided with any option*
22 *that would otherwise be available to a nondependent minor.*

23 ~~(3)~~

24 (4) The protocols shall contain the following processes:

25 (A) A process for determining which agency and court shall
26 supervise a child whose jurisdiction is modified from delinquency
27 jurisdiction to dependency jurisdiction pursuant to paragraph (2)
28 of subdivision (b) of Section 607.2 or subdivision (i) of Section
29 727.2.

30 (B) A process for determining which agency and court shall
31 supervise a nonminor dependent under the transition jurisdiction
32 of the juvenile court.

33 (C) A process that specifically addresses the manner in which
34 supervision responsibility is determined when a nonminor
35 dependent becomes subject to adult probation supervision.

36 (c) Whenever a minor who is under the jurisdiction of the
37 juvenile court of a county pursuant to Section 300, 601, or 602 is
38 alleged to come within the description of Section 300, 601, or 602
39 by another county, the county probation department or child
40 welfare services department in the county that has jurisdiction

1 under Section 300, 601, or 602 and the county probation
2 department or child welfare services department of the county
3 alleging the minor to be within one of those sections shall initially
4 determine which status will best serve the best interests of the
5 minor and the protection of society. The recommendations of both
6 departments shall be presented to the juvenile court in which the
7 petition is filed on behalf of the minor, and the court shall
8 determine which status is appropriate for the minor. In making
9 their recommendation to the juvenile court, the departments shall
10 conduct an assessment consistent with the requirements of
11 subdivision (b). Any other juvenile court having jurisdiction over
12 the minor shall receive notice from the court in which the petition
13 is filed within five calendar days of the presentation of the
14 recommendations of the departments. The notice shall include the
15 name of the judge to whom, or the courtroom to which, the
16 recommendations were presented.

17 (d) Except as provided in subdivision (e), ~~nothing in this section~~
18 ~~shall be construed to~~ *not* authorize the filing of a petition or
19 petitions, or the entry of an order by the juvenile court, to make a
20 minor simultaneously both a dependent child and a ward of the
21 court.

22 (e) Notwithstanding subdivision (d), the probation department
23 and the child welfare services department, in consultation with the
24 presiding judge of the juvenile court, in any county may create a
25 jointly written protocol to allow the county probation department
26 and the child welfare services department to jointly assess and
27 produce a recommendation that the child be designated as a dual
28 status child, allowing the child to be simultaneously a dependent
29 child and a ward of the court. This protocol shall be signed by the
30 chief probation officer, the director of the county social services
31 agency, and the presiding judge of the juvenile court prior to its
32 implementation. ~~No A juvenile court may~~ *shall not* order that a
33 child is simultaneously a dependent child and a ward of the court
34 pursuant to this subdivision unless and until the required protocol
35 has been created and entered into. This protocol shall include all
36 of the following:

37 (1) A description of the process to be used to determine whether
38 the child is eligible to be designated as a dual status child.

39 (2) A description of the procedure by which the probation
40 department and the child welfare services department will assess

1 the necessity for dual status for specified children and the process
2 to make joint recommendations for the court's consideration prior
3 to making a determination under this section. These
4 recommendations shall ensure a seamless transition from wardship
5 to dependency jurisdiction, as appropriate, so that services to the
6 child are not disrupted upon termination of the wardship.

7 (3) A provision for ensuring communication between the judges
8 who hear petitions concerning children for whom dependency
9 jurisdiction has been suspended while they are within the
10 jurisdiction of the juvenile court pursuant to Section 601 or 602.

11 A judge may communicate by providing a copy of any reports
12 filed pursuant to Section 727.2 concerning a ward to a court that
13 has jurisdiction over dependency proceedings concerning the child.

14 (4) A plan to collect data in order to evaluate the protocol
15 pursuant to Section 241.2.

16 (5) Counties that exercise the option provided for in this
17 subdivision shall adopt either an "on-hold" system as described
18 in subparagraph (A) or a "lead court/lead agency" system as
19 described in subparagraph (B). ~~In no case shall there~~ *There shall*
20 *not* be any simultaneous or duplicative case management or
21 services provided by both the county probation department and
22 the child welfare services department. It is the intent of the
23 Legislature that judges, in cases in which more than one judge is
24 involved, shall not issue conflicting orders.

25 (A) In counties in which an on-hold system is adopted, the
26 dependency jurisdiction shall be suspended or put on hold while
27 the child is subject to jurisdiction as a ward of the court. When it
28 appears that termination of the court's jurisdiction, as established
29 pursuant to Section 601 or 602, is likely and that reunification of
30 the child with his or her parent or guardian would be detrimental
31 to the child, the county probation department and the child welfare
32 services department shall jointly assess and produce a
33 recommendation for the court regarding whether the court's
34 dependency jurisdiction shall be resumed.

35 (B) In counties in which a lead court/lead agency system is
36 adopted, the protocol shall include a method for identifying which
37 court or agency will be the lead court/lead agency. That court or
38 agency shall be responsible for case management, conducting
39 statutorily mandated court hearings, and submitting court reports.

(f) Whenever the court determines pursuant to this section or Section 607.2 or 727.2 that it is necessary to modify the court's jurisdiction over a dependent or ward who was removed from his or her parent or guardian and placed in foster care, the court shall ensure that all of the following conditions are met:

(1) The petition under which jurisdiction was taken at the time the dependent or ward was originally removed is not dismissed until the new petition has been sustained.

(2) The order modifying the court's jurisdiction contains all of the following provisions:

(A) Reference to the original removal findings and a statement that findings that continuation in the home is contrary to the child's welfare, and that reasonable efforts were made to prevent removal, remain in effect.

(B) A statement that the child continues to be removed from the parent or guardian from whom the child was removed under the original petition.

(C) Identification of the agency that is responsible for placement and care of the child based upon the modification of jurisdiction.

SEC. 6. Section 628 of the Welfare and Institutions Code is amended to read:

628. (a) ~~Upon~~ *Except as provided in subdivision (b), upon* delivery to the probation officer of a minor who has been taken into temporary custody under the provisions of this article, the probation officer shall immediately investigate the circumstances of the minor and the facts surrounding his or her being taken into custody and shall immediately release the minor to the custody of his or her parent, legal guardian, or responsible relative unless it can be demonstrated upon the evidence before the court that continuance in the home is contrary to the minor's welfare and one or more of the following conditions exist:

(1) The minor is in need of proper and effective parental care or control and has no parent, legal guardian, or responsible relative; or has no parent, legal guardian, or responsible relative willing to exercise or capable of exercising that care or control; or has no parent, legal guardian, or responsible relative actually exercising that care or control.

(2) The minor is ~~destitute or~~ *destitute*, is not provided with the necessities of ~~life~~ *life*, or is not provided with a home or suitable place of abode.

1 (3) The minor is provided with a home ~~which~~ *that* is an unfit
2 place for him or her by reason of neglect, cruelty, depravity or
3 physical abuse by either of his or her parents, ~~or~~ by his or her legal
4 guardian, ~~or other~~ *by another* person in whose custody or care he
5 or she is entrusted.

6 (4) Continued detention of the minor is a matter of immediate
7 and urgent necessity for the protection of the minor or reasonable
8 necessity for the protection of the person or property of another.

9 (5) The minor is likely to flee the jurisdiction of the court.

10 (6) The minor has violated an order of the juvenile court.

11 (7) The minor is physically dangerous to the public because of
12 a mental or physical deficiency, ~~disorder~~ *disorder*, or abnormality.

13 *(b) Upon delivery to the probation officer of a minor who is a*
14 *dependent of the court pursuant to Section 300 and who has been*
15 *taken into temporary custody pursuant to this article, the probation*
16 *officer shall immediately investigate the circumstances of the minor*
17 *and the facts surrounding his or her being taken into custody and*
18 *shall release the minor to the custody of the minor's current foster*
19 *parent, relative, guardian, group home representative, other*
20 *caregiver, or social worker unless it can be demonstrated upon*
21 *the evidence before the court that one or more of the following*
22 *conditions exist:*

23 *(1) Continued detention of the minor is a matter of immediate*
24 *and urgent necessity for the protection of the minor or reasonable*
25 *necessity for the protection of the person or property of another.*

26 *(2) The minor is likely to flee the jurisdiction of the court.*

27 *(3) The minor has violated an order of the juvenile court.*

28 ~~(b)~~

29 *(c) If the probation officer has reason to believe that the minor*
30 *is at risk of entering foster care placement as defined in paragraphs*
31 *(1) and (2) of subdivision (d) of Section 727.4, then the probation*
32 *officer shall, as part of the investigation undertaken pursuant to*
33 *subdivision (a), make reasonable efforts, as described in paragraph*
34 *(5) of subdivision (d) of Section 727.4, to prevent or eliminate the*
35 *need for removal of the minor from his or her home.*

36 ~~(e)~~

37 *(d) In any case in which there is reasonable cause for believing*
38 *that a minor who is under the care of a physician or surgeon or a*
39 *hospital, clinic, or other medical facility and cannot be immediately*
40 *moved is a person described in subdivision (d) of Section 300, the*

1 minor shall be deemed to have been taken into temporary custody
2 and delivered to the probation officer for the purposes of this
3 chapter while he or she is at the office of the physician or surgeon
4 or that medical facility.

5 ~~(d)~~

6 (e) (1) It is the intent of the Legislature that this subdivision
7 shall comply with paragraph (29) of subsection (a) of Section 671
8 of Title 42 of the United States Code as added by the Fostering
9 Connections to Success and Increasing Adoptions Act of 2008
10 (Public Law 110-351). It is further the intent of the Legislature
11 that the identification and notification of relatives shall be made
12 as early as possible after the removal of a youth who is at risk of
13 entering foster care placement.

14 (2) If the minor is detained and the probation officer has reason
15 to believe that the minor is at risk of entering foster care placement,
16 as defined in paragraphs (1) and (2) of subdivision (d) of Section
17 727.4, then the probation officer shall conduct, within 30 days, an
18 investigation in order to identify and locate all grandparents, adult
19 siblings, and other relatives of the child, as defined in paragraph
20 (2) of subdivision (f) of Section 319, including any other adult
21 relatives suggested by the parents. The probation officer shall
22 provide to all adult relatives who are located, except when that
23 relative's history of family or domestic violence makes notification
24 inappropriate, within 30 days of the date on which the child is
25 detained, written notification and shall also, whenever appropriate,
26 provide oral notification, in person or by telephone, of all the
27 following information:

28 (A) The child has been removed from the custody of his or her
29 parent or parents, or his or her guardians.

30 (B) An explanation of the various options to participate in the
31 care and placement of the child and support for the child's family,
32 including any options that may be lost by failing to respond. The
33 notice shall provide information about providing care for the child,
34 how to become a foster family home or approved relative or
35 nonrelative extended family member as defined in Section 362.7,
36 and additional services and support that are available in
37 out-of-home placements. The notice shall also include information
38 regarding the Kin-GAP Program (Article 4.5 (commencing with
39 Section 11360) of Chapter 2 of Part 3 of Division 9), the
40 CalWORKs program for approved relative caregivers (Chapter 2

(commencing with Section 11200) of Part 3 of Division 9), adoption and adoption assistance (Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9), as well as other options for contact with the child, including, but not limited to, visitation. When oral notification is provided, the probation officer is not required to provide detailed information about the various options to help with the care and placement of the child.

(3) The probation officer shall use due diligence in investigating the names and locations of the relatives pursuant to paragraph (2), including, but not limited to, asking the child in an age-appropriate manner about relatives important to the child, consistent with the child's best interest, and obtaining information regarding the location of the child's adult relatives.

(4) To the extent allowed by federal law as a condition of receiving funding under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.), if the probation officer did not conduct the identification and notification of relatives, as required in paragraph (2), but the court orders foster care placement, the probation officer shall conduct the investigation to find and notify relatives within 30 days of the placement order. ~~Nothing in this~~ *This section shall be construed to not delay foster care placement for an individual child.*

SEC. 7. Section 628.1 of the Welfare and Institutions Code is amended to read:

628.1. (a) If the minor meets one or more of the criteria for detention under Section 628, but the probation officer believes that 24-hour secure detention is not necessary in order to protect the minor or the person or property of another, or to ensure that the minor does not flee the jurisdiction of the court, the probation officer shall proceed according to this section.

~~Unless~~

(b) *Unless* one of the conditions described in paragraph (1), (2), or (3) of subdivision (a) of Section 628 exists, the probation officer shall release ~~such~~ the minor to his or her parent, guardian, or responsible relative on home supervision. *If the minor is a dependent of the court pursuant to Section 300, the probation officer shall release the minor to the minor's current foster parent, relative, guardian, group home representative, other caregiver, or social worker.* As a condition for ~~such~~ the release, the probation officer shall require the minor to sign a written promise that he or

1 she understands and will observe the specific conditions of home
2 supervision release. As an additional condition for release, the
3 probation officer also shall require the minor's parent, guardian,
4 ~~or~~ responsible relative, *foster parent, other caregiver, or social*
5 *worker* to sign a written promise, translated into a language the
6 parent understands, if necessary, that he or she understands the
7 specific conditions of home supervision release. These conditions
8 may include curfew and school attendance requirements related
9 to the protection of the minor or the person or property of another,
10 or to the minor's appearances at court hearings. A minor who
11 violates a specific condition of home supervision release ~~which~~
12 *that* he or she has promised in writing to obey may be taken into
13 custody and placed in secure detention, subject to court review at
14 a detention hearing.

15 **A**

16 (c) A minor on home supervision shall be entitled to the same
17 legal protections as a minor in secure detention, including a
18 detention hearing.

19 *SEC. 8. Section 635 of the Welfare and Institutions Code is*
20 *amended to read:*

21 635. (a) The court will examine the minor, his or her parent,
22 legal guardian, or other person having relevant knowledge, hear
23 relevant evidence the minor, his or her parent, legal guardian, or
24 counsel desires to present, and, unless it appears that the minor
25 has violated an order of the juvenile court or has escaped from the
26 commitment of the juvenile court or that it is a matter of immediate
27 and urgent necessity for the protection of the minor or reasonably
28 necessary for the protection of the person or property of another
29 that he or she be detained or that the minor is likely to flee to avoid
30 the jurisdiction of the court, the court shall make its order releasing
31 the minor from custody.

32 ~~The~~

33 (b) (1) The circumstances and gravity of the alleged offense
34 may be considered, in conjunction with other factors, to determine
35 whether it is a matter of immediate and urgent necessity for the
36 protection of the minor or reasonably necessary for the protection
37 of the person or property of another that the minor be detained.

38 (2) *If a minor is a dependent of the court pursuant to Section*
39 *300, the court's decision to detain shall not be based on the minor's*

1 *status as a dependent of the court or the child welfare services*
2 *department's inability to provide a placement for the minor.*

3 ~~The~~

4 (c) (1) *The court shall order release of the minor from custody*
5 *unless a prima facie showing has been made that the minor is a*
6 *person described in Section 601 or 602.*

7 (2) *If the court orders release of a minor who is a dependent of*
8 *the court pursuant to Section 300, the court shall order the child*
9 *welfare services department either to ensure that the minor's*
10 *current foster parent or other caregiver takes physical custody of*
11 *the minor or to take physical custody of the minor and place the*
12 *minor in a licensed or approved placement.*

13 ~~If~~

14 (d) *If the probation officer has reason to believe that the minor*
15 *is at risk of entering foster care placement as defined by*
16 *described in Section 11402, then the probation officer shall submit*
17 *a written report to the court containing all of the following: the*

18 (1) *The reasons why the minor has been removed from the*
19 *parent's custody; any custody.*

20 (2) *Any prior referrals for abuse or neglect of the minor or any*
21 *prior filings regarding the minor pursuant to Section 300; the 300.*

22 (3) *The need, if any, for continued detention; the detention.*

23 (4) *The available services that could facilitate the return of the*
24 *minor to the custody of the minor's parents or guardians; and*
25 *whether guardians.*

26 (5) *Whether there are any relatives who are able and willing to*
27 *provide effective care and control over the minor.*

28 SEC. 9. *Section 636 of the Welfare and Institutions Code is*
29 *amended to read:*

30 636. (a) *If it appears upon the hearing that the minor has*
31 *violated an order of the juvenile court or has escaped from a*
32 *commitment of the juvenile court or that it is a matter of immediate*
33 *and urgent necessity for the protection of the minor or reasonably*
34 *necessary for the protection of the person or property of another*
35 *that he or she be detained or that the minor is likely to flee to avoid*
36 *the jurisdiction of the court, and that continuance in the home is*
37 *contrary to the minor's welfare, the court may make its order that*
38 *the minor be detained in the juvenile hall or other suitable place*
39 *designated by the juvenile court for a period not to exceed 15*
40 *judicial days and shall enter said the order together with its findings*

1 of fact in support thereof in the records of the court. The
2 circumstances and gravity of the alleged offense may be
3 considered, in conjunction with other factors, to determine whether
4 it is a matter of immediate and urgent necessity for the protection
5 of the minor or the person or property of another that the minor
6 be detained. *If a minor is a dependent of the court pursuant to*
7 *Section 300, the court's decision to detain shall not be based on*
8 *the minor's status as a dependent of the court or the child welfare*
9 *services department's inability to provide a placement for the*
10 *minor.*

11 (b) If the court finds that the criteria of Section 628.1 are
12 applicable, the court shall place the minor on home supervision
13 for a period not to exceed 15 judicial days, and shall enter the order
14 together with its findings of fact in support thereof in the records
15 of the court. If the court releases the minor on home supervision,
16 the court may continue, modify, or augment any conditions of
17 release previously imposed by the probation officer, or may impose
18 new conditions on a minor released for the first time. If there are
19 new or modified conditions, the minor shall be required to sign a
20 written promise to obey those conditions pursuant to Section 628.1.

21 (c) If the probation officer is recommending that the minor be
22 detained, the probation officer shall submit to the court
23 documentation, as follows:

24 (1) Documentation that continuance in the home is contrary to
25 the minor's welfare shall be submitted to the court as part of the
26 detention report prepared pursuant to Section 635.

27 (2) Documentation that reasonable efforts were made to prevent
28 or eliminate the need for removal of the minor from the home and
29 documentation of the nature and results of the services provided
30 shall be submitted to the court either as part of the detention report
31 prepared pursuant to Section 635, or as part of a case plan prepared
32 pursuant to Section 636.1, but in no case later than 60 days from
33 the date of detention.

34 (d) ~~Before~~ *Except as provided in subdivision (e), before*
35 *detaining the minor, the court shall determine whether continuance*
36 *in the home is contrary to the minor's welfare and whether there*
37 *are available services that would prevent the need for further*
38 *detention. The court shall make that determination on a*
39 *case-by-case basis and shall make reference to the documentation*

1 provided by the probation officer or other evidence relied upon in
2 reaching its decision.

3 (1) If the minor can be returned to the custody of his or her
4 parent or legal guardian at the detention hearing, through the
5 provision of services to prevent removal, the court shall release
6 the minor to the physical custody of his or her parent or legal
7 guardian and order that those services be provided.

8 (2) If the minor cannot be returned to the custody of his or her
9 parent or legal guardian at the detention hearing, the court shall
10 state the facts upon which the detention is based. The court shall
11 make the following findings on the record and reference the
12 probation officer's report or other evidence relied upon to make
13 its determinations:

14 (A) Whether continuance in the home of the parent or legal
15 guardian is contrary to the minor's welfare.

16 (B) Whether reasonable efforts have been made to safely
17 maintain the minor in the home of his or her parent or legal
18 guardian and to prevent or eliminate the need for removal of the
19 minor from his or her home. This finding shall be made at the
20 detention hearing if possible, but in no case later than 60 days
21 following the minor's removal from the home.

22 (3) If the minor cannot be returned to the custody of his or her
23 parent or legal guardian at the detention hearing, the court shall
24 make the following orders:

25 (A) The probation officer shall provide services as soon as
26 possible to enable the minor's parent or legal guardian to obtain
27 any assistance as may be needed to enable the parent or guardian
28 to effectively provide the care and control necessary for the minor
29 to return to the home.

30 (B) The minor's placement and care shall be the responsibility
31 of the probation department pending disposition or further order
32 of the court.

33 (4) If the matter is set for rehearing pursuant to Section 637, or
34 continued pursuant to Section 638, or continued for any other
35 reason, the court shall find that the continuance of the minor in
36 the parent's or guardian's home is contrary to the minor's welfare
37 at the initial petition hearing or order the release of the minor from
38 custody.

39 (e) *For a minor who is a dependent of the court pursuant to*
40 *Section 300, the court's decision to detain the minor shall not be*

1 *based on a finding that continuance in the minor's current*
2 *placement is contrary to the minor's welfare. If the court*
3 *determines that continuance in the minor's current placement is*
4 *contrary to the minor's welfare, the court shall order the child*
5 *welfare services department to place the minor in another licensed*
6 *or approved placement.*

7 (e)

8 (f) Whether the minor is returned home or detained, the court
9 shall order the minor's parent or guardian to cooperate with the
10 probation officer in obtaining those services described in paragraph
11 (1) of, or in subparagraph (A) of paragraph (3) of, subdivision (d).

12 SEC. 10. Section 730.6 of the Welfare and Institutions Code
13 is amended to read:

14 730.6. (a) (1) It is the intent of the Legislature that a victim
15 of conduct for which a minor is found to be a person described in
16 Section 602 who incurs any economic loss as a result of the minor's
17 conduct shall receive restitution directly from that minor.

18 (2) Upon a minor being found to be a person described in
19 Section 602, the court shall consider levying a fine in accordance
20 with Section 730.5. In addition, the court shall order the minor to
21 pay, in addition to any other penalty provided or imposed under
22 the law, both of the following:

23 (A) A restitution fine in accordance with subdivision (b).

24 (B) Restitution to the victim or victims, if any, in accordance
25 with subdivision (h).

26 (b) ~~In every case where~~ If a minor is found to be a person
27 described in Section 602, the court shall impose a separate and
28 additional restitution fine. The restitution fine shall be set at the
29 discretion of the court and commensurate with the seriousness of
30 the offense as follows:

31 (1) If the minor is found to be a person described in Section 602
32 by reason of the commission of one or more felony offenses, the
33 restitution fine shall not be less than one hundred dollars (\$100)
34 and not more than one thousand dollars (\$1,000). A separate
35 hearing for the fine shall not be required.

36 (2) If the minor is found to be a person described in Section 602
37 by reason of the commission of one or more misdemeanor offenses,
38 the restitution fine shall not exceed one hundred dollars (\$100). A
39 separate hearing for the fine shall not be required.

1 (c) The restitution fine shall be in addition to any other
2 disposition or fine imposed and shall be imposed regardless of the
3 minor's inability to pay. This fine shall be deposited in the
4 Restitution Fund, ~~the proceeds of which shall be distributed~~
5 ~~pursuant to Section 13967 of the Government Code.~~ *Fund.*

6 (d) (1) In setting the amount of the fine pursuant to
7 subparagraph (A) of paragraph (2) of subdivision (a), the court
8 shall consider any relevant factors including, but not limited to,
9 the minor's ability to pay, the seriousness and gravity of the offense
10 and the circumstances of its commission, any economic gain
11 derived by the minor as a result of the offense, and the extent to
12 which others suffered losses as a result of the offense. The losses
13 may include pecuniary losses to the victim or his or her dependents
14 as well as intangible losses such as psychological harm caused by
15 the offense.

16 (2) The consideration of a minor's ability to pay may include
17 his or her future earning capacity. A minor shall bear the burden
18 of demonstrating a lack of his or her ability to pay.

19 (e) Express findings of the court as to the factors bearing on the
20 amount of the fine shall not be required.

21 (f) Except as provided in subdivision (g), under no circumstances
22 shall the court fail to impose the separate and additional restitution
23 fine required by subparagraph (A) of paragraph (2) of subdivision
24 (a). This fine shall not be subject to penalty assessments pursuant
25 to Section 1464 of the Penal Code.

26 (g) (1) In a case in which the minor is a person described in
27 Section 602 by reason of having committed a felony offense, if
28 the court finds that there are compelling and extraordinary reasons,
29 the court may waive imposition of the restitution fine required by
30 subparagraph (A) of paragraph (2) of subdivision (a). When a
31 waiver is granted, the court shall state on the record all reasons
32 supporting the waiver.

33 (2) *If the minor is a person described in paragraph (2) of*
34 *subdivision (a) of Section 241.1, the court shall waive imposition*
35 *of the restitution fine required by subparagraph (A) of paragraph*
36 *(2) of subdivision (a).*

37 (h) (1) Restitution ordered pursuant to subparagraph (B) of
38 paragraph (2) of subdivision (a) shall be imposed in the amount
39 of the losses, as determined. If the amount of loss cannot be
40 ascertained at the time of sentencing, the restitution order shall

1 include a provision that the amount shall be determined at the
2 direction of the court at any time during the term of the
3 commitment or probation. The court shall order full restitution
4 unless it finds compelling and extraordinary reasons for not doing
5 so, and states them on the record. A minor's inability to pay shall
6 not be considered a compelling or extraordinary reason not to
7 impose a restitution order, nor shall inability to pay be a
8 consideration in determining the amount of the restitution order.
9 A restitution order pursuant to subparagraph (B) of paragraph (2)
10 of subdivision (a), to the extent possible, shall identify each victim,
11 unless the court for good cause finds that the order should not
12 identify a victim or victims, and the amount of each victim's loss
13 to which it pertains, and shall be of a dollar amount sufficient to
14 fully reimburse the victim or victims for all determined economic
15 losses incurred as the result of the minor's conduct for which the
16 minor was found to be a person described in Section 602, including
17 all of the following:

18 ~~(1)~~

19 (A) Full or partial payment for the value of stolen or damaged
20 property. The value of stolen or damaged property shall be the
21 replacement cost of like property, or the actual cost of repairing
22 the property when repair is possible.

23 ~~(2)~~

24 (B) Medical expenses.

25 ~~(3)~~

26 (C) Wages or profits lost due to injury incurred by the victim,
27 and if the victim is a minor, wages or profits lost by the minor's
28 parent, parents, guardian, or guardians, while caring for the injured
29 minor. Lost wages shall include any commission income as well
30 as any base wages. Commission income shall be established by
31 evidence of commission income during the 12-month period prior
32 to the date of the crime for which restitution is being ordered,
33 unless good cause for a shorter time period is shown.

34 ~~(4)~~

35 (D) Wages or profits lost by the victim, and if the victim is a
36 minor, wages or profits lost by the minor's parent, parents,
37 guardian, or guardians, due to time spent as a witness or in assisting
38 the police or prosecution. Lost wages shall include any commission
39 income as well as any base wages. Commission income shall be
40 established by evidence of commission income during the

1 12-month period prior to the date of the crime for which restitution
2 is being ordered, unless good cause for a shorter time period is
3 shown.

4 **A**

5 (2) A minor shall have the right to a hearing before a judge to
6 dispute the determination of the amount of restitution. The court
7 may modify the amount on its own motion or on the motion of the
8 district attorney, the victim or victims, or the minor. If a motion
9 is made for modification of a restitution order, the victim shall be
10 notified of that motion at least 10 days prior to the hearing on the
11 motion. When the amount of victim restitution is not known at the
12 time of disposition, the court order shall identify the victim or
13 victims, unless the court finds for good cause that the order should
14 not identify a victim or victims, and state that the amount of
15 restitution for each victim is to be determined. When feasible, the
16 court shall also identify on the court order, any cooffenders who
17 are jointly and severally liable for victim restitution.

18 (i) A restitution order imposed pursuant to subparagraph (B) of
19 paragraph (2) of subdivision (a) shall identify the losses to which
20 it pertains, and shall be enforceable as a civil judgment pursuant
21 to subdivision (r). The making of a restitution order pursuant to
22 this subdivision shall not affect the right of a victim to recovery
23 from the Restitution Fund in the manner provided elsewhere, except
24 to the extent that restitution is actually collected pursuant to the
25 order. Restitution collected pursuant to this subdivision shall be
26 credited to any other judgments for the same losses obtained against
27 the minor or the minor's parent or guardian arising out of the
28 offense for which the minor was found to be a person described
29 in Section 602. Restitution imposed shall be ordered to be made
30 to the Restitution Fund to the extent that the victim, as defined in
31 subdivision (j), has received assistance from the Victims of Crime
32 Program pursuant to Article 5 (commencing with Section 13959)
33 of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government
34 Code.

35 (j) For purposes of this section, "victim" shall include:

36 (1) The immediate surviving family of the actual victim.

37 (2) Any governmental entity that is responsible for repairing,
38 replacing, or restoring public or privately owned property that has
39 been defaced with graffiti or other inscribed material, as defined
40 in subdivision (e) of Section ~~594~~, *594 of the Penal Code*, and that

1 has sustained an economic loss as the result of a violation of
2 Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7 of the Penal
3 Code.

4 (k) ~~Nothing in this~~ This section shall *not* prevent a court from
5 ordering restitution to any corporation, business trust, estate, trust,
6 partnership, association, joint venture, government, governmental
7 subdivision, agency, or instrumentality, or any other legal or
8 commercial entity when that entity is a direct victim of an offense.
9 *If the direct victim is a group home or other facility licensed to*
10 *provide residential care in which the minor was placed as a*
11 *dependent or ward of the court, or an employee thereof, restitution*
12 *shall be limited to out-of-pocket expenses paid by the facility or*
13 *employee.*

14 (l) Upon a minor being found to be a person described in Section
15 602, the court shall ~~require~~ *require*, as a condition of ~~probation~~
16 *probation*, the payment of restitution fines and orders imposed
17 under this section. Any portion of a restitution order that remains
18 unsatisfied after a minor is no longer on probation shall continue
19 to be enforceable by a victim pursuant to subdivision (r) until the
20 obligation is satisfied in full.

21 (m) Probation shall not be revoked for failure of a person to
22 make restitution pursuant to this section as a condition of probation
23 unless the court determines that the person has willfully failed to
24 pay or failed to make sufficient bona fide efforts to legally acquire
25 the resources to pay.

26 (n) If the court finds and states on the record compelling and
27 extraordinary reasons why restitution should not be required as
28 provided in paragraph (2) of subdivision (a), the court shall order,
29 as a condition of probation, that the minor perform specified
30 community service.

31 (o) The court may avoid ordering community service as a
32 condition of probation only if it finds and states on the record
33 compelling and extraordinary reasons not to order community
34 service in addition to the finding that restitution pursuant to
35 paragraph (2) of subdivision (a) should not be required.

36 (p) When a minor is committed to the Department of the Youth
37 Authority, the court shall order restitution to be paid to the victim
38 or victims, if any. Payment of restitution to the victim or victims
39 pursuant to this subdivision shall take priority in time over payment
40 of any other restitution fine imposed pursuant to this section.

1 (q) At its discretion, the board of supervisors of any county may
2 impose a fee to cover the actual administrative cost of collecting
3 the restitution fine, not to exceed 10 percent of the amount ordered
4 to be paid, to be added to the restitution fine and included in the
5 order of the court, the proceeds of which shall be deposited in the
6 general fund of the county.

7 (r) If the judgment is for a restitution fine ordered pursuant to
8 subparagraph (A) of paragraph (2) of subdivision (a), or a
9 restitution order imposed pursuant to subparagraph (B) of
10 paragraph (2) of subdivision (a), the judgment may be enforced
11 in the manner provided in Section 1214 of the Penal Code.

12 *SEC. 11. Section 4096.5 of the Welfare and Institutions Code*
13 *is amended to read:*

14 4096.5. (a) The State Department of Health Care Services
15 shall make a determination, within 45 days of receiving a request
16 from a group home to be classified at RCL 13 or RCL 14 pursuant
17 to Section 11462.01, to certify or deny certification that the group
18 home program includes provisions for mental health treatment
19 services that meet the needs of seriously emotionally disturbed
20 children. The department shall issue each certification for a period
21 of one year and shall specify the effective date the program met
22 the certification requirements. A program may be recertified if the
23 program continues to meet the criteria for certification.

24 (b) The State Department of Health Care Services shall, in
25 consultation with the California Mental Health Directors
26 Association and representatives of provider organizations, develop
27 the criteria for the certification required by subdivision (a) by July
28 1, 1992.

29 (c) (1) The State Department of Health Care Services may,
30 upon the request of a county, delegate to that county the
31 certification task.

32 (2) Any county to which the certification task is delegated
33 pursuant to paragraph (1) shall use the criteria and format
34 developed by the department.

35 (d) The State Department of Health Care Services or delegated
36 county shall notify the State Department of Social Services
37 Community Care Licensing Division immediately upon the
38 termination of any certification issued in accordance with
39 subdivision (a).

(e) Upon receipt of notification from the State Department of Social Services Community Care Licensing Division of any adverse licensing action taken after the finding of noncompliance during an unannounced visit conducted pursuant to Section 1534 of the Health and Safety Code, the State Department of Health Care Services or the delegated county shall review the certification issued pursuant to this section.

SEC. 12. Section 11469 of the Welfare and Institutions Code is amended to read:

11469. (a) ~~By July 1, 1993, the~~ The department, in consultation with group home providers, the County Welfare Directors' Directors Association, the Chief Probation Officers' Association ~~Officers of California~~, the California Conference of Local Mental Health Directors and the State Department of Mental Health Mental Health Directors Association, and the State Department of Health Care Services, shall develop performance standards and outcome measures for determining the effectiveness of the care and supervision, as defined in subdivision (b) of Section 11460, provided by group homes under the AFDC-FC program pursuant to Sections 11460 and 11462. These standards shall be designed to measure group home program performance for the client group that the group home program is designed to serve.

(1) The performance standards and outcome measures shall be designed to measure the performance of group home programs in areas over which the programs have some degree of influence, and in other areas of measurable program performance that the department can demonstrate are areas over which group home programs have meaningful managerial or administrative influence.

(2) These standards and outcome measures shall include, but are not limited to, the effectiveness of services provided by each group home program, and the extent to which the services provided by the group home assist in obtaining the child welfare case plan objectives for the child.

(3) In addition, when the group home provider has identified as part of its program for licensing, ratesetting, or county placement purposes, or has included as a part of a child's case plan by mutual agreement between the group home and the placing agency, specific mental health, education, medical, and other child-related services, the performance standards and outcome measures may also measure the effectiveness of those services.

1 (b) Regulations regarding the implementation of the group home
2 performance standards system required by this section shall be
3 adopted no later than one year prior to implementation. The
4 regulations shall specify both the performance standards system
5 and the manner by which the AFDC-FC rate of a group home
6 program shall be adjusted if performance standards are not met.

7 (c) Except as provided in subdivision (d), effective July 1, 1995,
8 group home performance standards shall be implemented. Any
9 group home program not meeting the performance standards shall
10 have its AFDC-FC rate, set pursuant to Section 11462, adjusted
11 according to the regulations required by this section.

12 (d) Effective July 1, 1995, group home programs shall be
13 classified at rate classification level 13 or 14 only if all of the
14 following are met:

15 (1) The program generates the requisite number of points for
16 rate classification level 13 or 14.

17 (2) The program only accepts children with special treatment
18 needs as determined through the assessment process pursuant to
19 paragraph (2) of subdivision (a) of Section 11462.01.

20 (3) The program meets the performance standards designed
21 pursuant to this section.

22 (e) Notwithstanding subdivision (c), the group home program
23 performance standards system shall not be implemented prior to
24 the implementation of the AFDC-FC performance standards
25 system.

26 (f) *By January 1, 2016, the department, in consultation with the*
27 *County Welfare Directors Association, the Chief Probation Officers*
28 *of California, the California Mental Health Directors Association,*
29 *research entities, foster youth and advocates for foster youth, foster*
30 *care provider business entities organized and operated on a*
31 *nonprofit basis, Indian tribes, and other stakeholders, shall develop*
32 *additional performance standards and outcome measures that*
33 *require group homes to implement programs and services to*
34 *minimize law enforcement contacts and delinquency petition filings*
35 *arising from incidents of allegedly unlawful behavior by minors*
36 *occurring in group homes or under the supervision of group home*
37 *staff, including individualized behavior management programs,*
38 *emergency intervention plans, and conflict resolution processes.*

39 SEC. 13. *If the Commission on State Mandates determines that*
40 *this act contains costs mandated by the state, reimbursement to*

1 *local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

4 ~~SECTION 1. Section 78211.5 of the Education Code is~~
5 ~~amended to read:~~

6 ~~78211.5. (a) The purpose of the Seymour-Campbell Student~~
7 ~~Success Act of 2012 is to increase California community college~~
8 ~~student access and success by providing effective core~~
9 ~~matriculation services, including orientation, assessment and~~
10 ~~placement, counseling, and other education planning services, and~~
11 ~~academic interventions. The focus of the Seymour-Campbell~~
12 ~~Student Success Act of 2012 is on the entering students' transition~~
13 ~~into college in order to provide a foundation for student~~
14 ~~achievement and successful completion of students' educational~~
15 ~~goals, with a priority toward serving students who enroll to earn~~
16 ~~degrees, career technical certificates, transfer preparation, or career~~
17 ~~advancement. The Seymour-Campbell Student Success Act of~~
18 ~~2012 targets state resources on core matriculation services that~~
19 ~~research has shown to be critical in increasing the ability of~~
20 ~~students to reach their academic and career goals. By focusing~~
21 ~~funding in these core areas and leveraging the use of technology~~
22 ~~to more efficiently and effectively serve a greater number of~~
23 ~~students, the goal of the Seymour-Campbell Student Success Act~~
24 ~~of 2012 is to provide students with a solid foundation and~~
25 ~~opportunity for success in the California Community Colleges.~~

26 ~~(b) Any community college or community college district~~
27 ~~receiving funding under this article shall agree to carry out its~~
28 ~~provisions as specified, but shall be bound to that agreement only~~
29 ~~for the period during which funding is received pursuant to this~~
30 ~~article. The obligations of the community college or community~~
31 ~~college district under the agreement shall include, but not be limited~~
32 ~~to, the expenditure of funds received pursuant to this article for~~
33 ~~only those services approved by the board of governors and the~~
34 ~~contribution toward the purposes of this article of matching funds~~
35 ~~as the board of governors may require pursuant to Section 78216.~~

36 ~~(c) Nothing in this article is intended to preclude colleges from~~
37 ~~providing courses and programs including, but is not limited to,~~
38 ~~professional development, development of language skills, and~~
39 ~~job services for individuals with developmental disabilities to the~~
40 ~~extent resources are available for those purposes.~~

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